



Case 2:08-cv-00175-PGS Document 13 Filed 09/24/2008 Page 1 of 3  
U.S. Department of Justice

United States Attorney  
District of New Jersey  
Civil Division

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Electronically Filed

September 24, 2008

The Honorable Peter G. Sheridan, U.S.D.J.  
United States District Court, District of New Jersey  
Martin L. King, Jr. Federal Building & Courthouse  
50 Walnut Street  
Newark, NJ 07102

Re: Martinez v. Webber, et al.  
Civil Action No. 08-175

Your Honor:

Please be advised that on this day plaintiff has been released from custody thereby mooted plaintiff's above-captioned action challenging his custody. *See Arizonans for English v. Arizona*, 520 U.S. 43, 68 n. 23 (1997) (advising counsel to notify the Court regarding potential mootness). Defendant has contact plaintiff's counsel, who has advised the undersigned that he will file a Notice of Dismissal, pursuant to Federal Rule 41(a)(1)(A)(i) of Civil Procedure.

Sincerely,

CHRISTOPHER J. CHRISTIE  
United States Attorney

By: S/ Jafer Aftab  
JAFER AFTAB  
Assistant U.S. Attorney

Attachments (Notice of Release and Proof of Personal Service)

*Case is dismissed*  
**SO ORDERED:** Peter G. Sheridan  
**DATED:** 9/24/08

Office of Detention and Removal Operations  
Newark Field Office

U.S. Department of Homeland Security  
Peter W. Rodino Jr. Federal Building  
970 Broad Street, Room 906  
Newark, NJ 07102



**U.S. Immigration  
and Customs  
Enforcement**

Jose Martinez  
C/O Hudson County Jail  
35 Hackensack Avenue  
Kearny, NJ 07032

A40 015 774

#### **Release Notification**

Upon review of your case, U.S. Immigration and Customs Enforcement (ICE) has concluded that you may be released from ICE custody pending your removal from the United States. This release does not affect your removal order and does not constitute an admission to the United States. This release is to be considered a parole, unless you were lawfully admitted when you last entered the United States.

Your release will be subject to certain written conditions that will be provided to you shortly on the Order of Supervision and Addendum to the Order of Supervision forms, and by which you must abide. A violation of one of more of these conditions, or of any local, state or federal law may result in your being taken back into custody and any bond that you may have posted being forfeited. Your release from custody is also conditioned upon your maintaining proper behavior while sponsorship and placement efforts for you are being undertaken.

Prior to your release from custody, an immigration officer may verify the sponsorship or employment offers presented during your review. Please forward any additional information regarding potential sponsoring family members or non-governmental organizations that may be willing to assist you upon release.

It is particularly important that you keep ICE advised of your address at all times. ICE will continue to make efforts to obtain your travel document that will allow the United States government to carry out your removal pursuant to your order of deportation, exclusion, or removal. In addition, you are required by law to continue to make good faith efforts to secure a travel document on your own and provide proof of your efforts to ICE. Once a travel document is obtained, you will be required to surrender to ICE for removal. You will, at that time, be given an opportunity to prepare for an orderly departure.

Signature of Field Office Director

9/19/08

Date

Decision of Post Order Custody Review - Release  
 A-48 015 774, Jose Martinez  
 Page 2

### PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

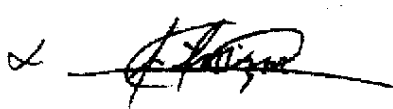
(a) I CHRIS SUBCORNES DU  
 Name of ICE Officer Title  
 certify that I served JOSE MARTINEZ with a copy of  
 Name of detainee  
 this document at NEWARK, NJ on 9/11/08 at 6:00  
 Institution Date Time  
 (b) I certify that I served the custodian \_\_\_\_\_  
 Name of Official  
 \_\_\_\_\_ at \_\_\_\_\_ on  
 Title Institution  
 \_\_\_\_\_ with a copy of this document.  
 Date

OR

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I \_\_\_\_\_ certify  
 Name of ICE Officer Title  
 that I served \_\_\_\_\_ and the custodian \_\_\_\_\_  
 Name of detainee Name of Official  
 with a copy of this document by certified mail at \_\_\_\_\_ on \_\_\_\_\_  
 Institution Date

( ) cc: Attorney of Record or Designated Representative  
 ( ) cc: A-File



**CERTIFICATE OF SERVICE**

Re: Martinez vs. Webber, *et al.*  
Civil Action No. 08-175

I, Assistant United States Attorney Jafer Aftab, hereby certify that on September 24, 2008, I served my letter with attachments, dated September 24, 2008, upon plaintiff's counsel, Victor Schurr, Esq., by way of electronic filing and notification, pursuant to the United States District Court, District of New Jersey, Electronic Case Filing Policies and Procedures § 14(b)(1) (amended September 1, 2008).

I certify under penalty of perjury that the foregoing is true and correct.

S/ Jafer Aftab  
Jafer Aftab  
Assistant U.S. Attorney

DATED: September 24, 2008